

REMARKS

The Final Office Action dated December 31, 2009 has been reviewed and carefully considered. Claims 1, 5-12 and 16-25 are pending. Independent claims 1, 12 and 23 have been amended. No new matter has been added. Reconsideration of the above-identified application in light of the amendments and remarks is respectfully requested.

Claims 1, 5-12 and 16-25 stand rejected under 35 USC 103(a) as being unpatentable over Ohno (U.S.P. No. 7,142,777) in view of Gorbatov et al. (U.S. P. No. 6,792,617).

Claim 1 recites the limitations of “and the end data packet of a preceding program and the start data packet for a following program are combined in a common data packet.” Applicant respectfully submits that Ohno and Gorbatov, alone or in combination fails to show these limitations. Independent claims 12 and 23 recite similar limitations.

As indicated in the Final Office Action, Ohno fails to teach the above limitations. The addition of Gorbatov fails to cure the limitations of Ohno.

The Final Office Action indicates that Gorbатов teaches these limitations in col. 5, lines 46-48; col. 8, lines 10-27 and col. 7, line 50 – col. 8, line 5. Applicants respectfully disagree. The Final Office seems to equate ATVEF triggers to the end and start packets identifying the ending of one program and the starting of another program. However, the ATVEF trigger is part of the enhanced TV resources used to update information displayed on a visual display, provide other information such as URLs, metadata, scripts, java applets, HTML, web pages, images, or other useful data, see col. 3, lines 12-25. Moreover, these ATVEF triggers or event notifications are events registered by a viewer, see col. 5, lines 9-10; so that the additional information regarding a program is provided, see col. 3, lines 18-19. Thus, they are not *the actual end and start packets* identifying the ending of one program and the starting of another program. And although the event notifications can be used by a set top box to cause a recorder to tune to a channel and start/end recording of a program, the set top box/recorder would still need to detect the actual start and end packets for the program from the broadcaster.

The Final Office Action refers to col. 8, lines 10-27 to show the limitation of “and the end data packet of a preceding program and the start data packet for a following program are combined in a common data packet.” This section shows an example of an event notification and although the terms “start” and “end” are used, nothing there fully explains what is being started or ended (i.e. what enhanced TV resources are being provided for the respective programs). However, it seems that what is being provided is additional information regarding two current programs: a news tornado alert on channel 8 and the score of the Monday Night Football game, and not the end data packet of a

preceding program and the start data packet for a following program combined in a common data packet, as claimed.

Further even if Ohno and Gorbatoov could be combined it would still not teach the present invention. The combination would only teach an apparatus for receiving a data train multiplexing a plurality of programs each constituted of a plurality of transmission packets and recording the received data train in a storage medium with event notification to alert viewers of events of interest. Thus, the set top box must decode both the received actual start and end packets for the TV content from the broadcaster of the TV content and the event notifications to provide the enhanced services, see FIG. 2 and col. 8, lines 59-63. This in fact teaches away from the present invention since it adds packet overhead in the data stream to the viewer.

In accordance with the present claims, "the end data packet of a preceding program and the start data packet associated with a following program are combined in a common data packet" as recited in claim 1. The method of the present system provides a substantial advantage over the prior art in that packet overhead in content transmission is substantially reduced (e.g., see, present application, page 7, lines 16-18). The technical effect of the present combination of end/start data packets is to greatly reduce the overhead associated with indicating the beginning and end of content portions (a two for one reduction) without any drawback or loss of efficiency in the system.

The other claims in this application are each dependent from one of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration of the patentability of each on its own merits is respectfully requested.

The applicant submits that the claims, as they now stand, fully satisfy the requirements of 35 U.S.C. 103. Entry of this amendment and favorable reconsideration and early passage to issue of the present application are respectfully solicited.

Respectfully submitted,

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